

DEPARTMENT OF THE NAVY

PEARL HARBOR NAVAL SHIPYARD AND INTERMEDIATE MAINTENANCE FACILITY 667 SAFEGUARD ST SUITE 100 JBPHH, HAWAII 96860-5033

IN REPLY REFER TO:

FOIA-19-11 5720 Ser 107/017 MAR 1 4 2019

Mr. Woodruff Soldner Leavitt Yamane & Soldner 737 Bishop Street Suite 1740 Honolulu HI 96813

Dear Mr. Soldner:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST REFERRAL

CASE NO.: DON-NAVY-2019-004135

On February 8, 2019, you submitted a Freedom of Information Act (FOIA) request to the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) for its investigative reports "generated in connection with the July 30, 2018 fall incident involving our clients, Jeffrey Green and Harry Watson."

On February 20, 2019, OSHA determined that certain documents contained in its investigative reports are under the release authority of Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (PHNSY&IMF), and subsequently referred your request to our FOIA office for response. The OSHA referral was assigned Case No.: DON-NAVY-2019-004135 and placed in our queue for processing.

Enclosures (1), (2) and (3) are comprised of responsive documents within PHNSY&IMF's release authority, with the redacted portions being withheld under FOIA exemptions 6 and 7(c).

Our review of the referred documents from OSHA indicates that certain documents are not within PHNSY&IMF's release authority. Specifically, portions of five pages of documents are generated by OSHA, and additional 18 pages are under the release authority of Naval Facilities Engineering Command (NAVFAC). We have referred your request concerning the release of those documents to OSHA and NAVFAC, respectively, for response.

For your information, the mailing address for the NAVFAC FOIA Office is Naval Facilities Engineering Command, 1322 Patterson Ave. SE, Suite 1000, Washington Navy Yard, DC 20374-5065. The NAVFAC FOIA office phone number is (202) 685-9269. Reference Case No.: DON-NAVY-2019-004486 when inquiring about the NAVFAC documents.

In view of the above, you may consider this response as an adverse determination that may be appealed. You may submit an appeal to the Department of the Navy, Office of the General

Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Mail a copy of your appeal to the Commander (Code 107), Pearl Harbor Naval Shipyard, 667 Safeguard St Suite 100, JBPHH, HI 96860-5033. Your appeal must be postmarked within 90 calendar days from the date of this letter and must include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. Your appeal and the envelope that you use to mail your appeal should bear the notation "Freedom of Information Act Appeal."

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services it offers. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

There are no fees for processing your request. However, fees may apply on a case-by-case basis and you may be charged for any future request. If you have any questions, please contact Theresa Dunnington at (808) 473-8000, ext. 2707 or by email at: theresa.dunnington@navy.mil.

Sincerely,

Aregon D. Button
G. D. BURTON
Captain, U.S. Navy

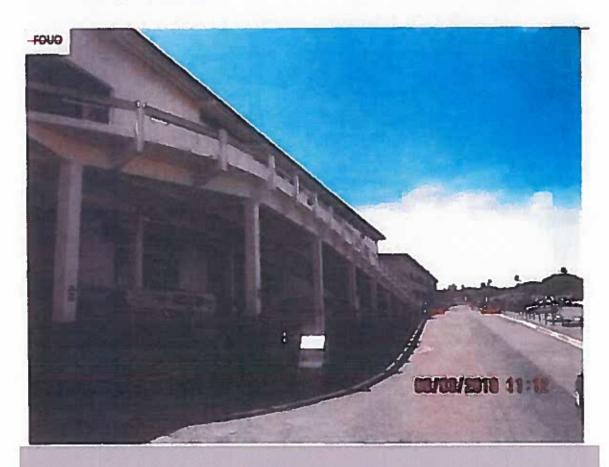
Enclosure: 1. OSHA referred documents, AECOM, Inspection Number 1335648 pages 43-45 and 52 (4 pages)

- 2. OSHA referred documents, Lockheed Martin Inspection Number 1337190 pages 48-66 (19 pages), pages 85-86 (2 pages), pages 87-110 (24 pages)
- 3. OSHA referred documents, AECOM and Lockheed Martin photos pages 76-109 (34 pages)

PHOTO MOUNTING WORKSHEET



U.S. Department of Labor



Not an agency record.
Under release authority of OSHA.

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PHOTO MOUNTING WORKSHEET



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Contractor Personnel Injured from Fall at Building 394 on 30 July 2018

Contractor site visits and requests for information pertaining to investigating this event must be requested in writing in accordance with 32 C.F.R. § 725.

Once a request complying with 32 C.F.R. § 725 is properly served upon the General Counsel, it will be processed as expeditiously as possible. All process for such documents shall be served via certified mail or Federal Express upon the:

General Counsel of the Navy Navy Litigation Office 720 Kennon Street SE, Bldg 36 Room 233 Washington Navy Yard, DC 20374-5013

The Navy Litigation Office will refer the matter to the proper delegate for action.

(b) (B) (b) (c)	
l acknowledge receipt of this information:	3 Aug 18
Signatur	
(b) (e), (b) (7)(C)	
Print Name:	
Company: Lockheed Mortin	100
Phone Number:	

OCCUPATIONAL SAFETY AND HEALTH DEFICIENCY NOTICE ACTIVITY Name: FEARL HARBOR NAVAL SHIPYARD AND INTERMEDIATE MAINTENANCE FACILITY ID NO.: N32253

DEFICIENCY NUMBER ODR-15-0142	Impection Date 6/26/2015		Pacifity BUILDING 304
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FOR POSTING - SERIOUS WORKPLACE HAZARD. THIS NOTICE MUST REMAIN POSTED UNTIL THE HAZARD IS ABATED.

PEARL HARBOR NAVAL SHIPYARD AND INTERMEDIATE MAINTENANCE FACILITY 667 Safaguard Street, Suite 100 JBPHH, Hawaii 96860-5033

5100.1001 Ser 106.2KK/M088 06 April 2015

MEMORANDUM

From: Code 105 12 To: Shop 51, Battery Shop

Subj: UNSAFE/UNHEALTHFUL WORKING CONDITION REPORT. (W-15-05) - INTERIM RESPONSE

Ref: (a) OFNAVINST 5100.23

(a) OFNAVINST 5100.23G
(b) NAVSHIPYD&IMFPRARLINST 5100.1A, Safety Supplement

1. Code 106.12 C950 representative, preceived the subject document on 2-Mar-2015, reporting unsafe conditions at B394. It stated:

"Bldg 394 Battery Shop Ceiling leaking from the seam (from 2nd Floor) into the Battery Shop near acid tank by column between F4-F3."

- 2. On 4-Mar-2015, spoke with you and inspected the areas of concern. When it rains, water collects on the 1st floor in your area. The water is originating from the roof on the NW end of the building, between rafters 3C to 5C, and between 7C and 8C. There is daylight showing through the roof in these areas. Rainwater is falling through the roof, then through seams in the 2nd floor cement deck, and collects in your area on the ground floor.
- 3. You did not want the affected area on the ground floor roped off. You preferred mopping up any water that collected there and maintain access to the area. It is agreed that two wet floor caution signs will be in place when it rains.
- 4. Roof leak repairs of the areas mentioned above have been determined as out of the scope of a C980 trouble call and a TF-1 will be submitted to request repair. C980's Requirements group is currently looking into an interim resolution. Due to the anticipated expense & long wait for review/approval/scheduling, interim work has been requested to install catchments with routine work order C6BDBR.

- Subj: UNSAFE/UNHEALTHFUL WORKING CONDITION REPORT. (M-15-05) INITIAL RESPONSE
- 5. As a long-term resolution to concerns with the roof, WR 152154 has been submitted to NAVFAC for replacement of the roof for the entire building.
- 6. References (a) and (b) require that this interim response be provided to you. You will be informed of any interim or final developments concerning your report no later than 2-September-2015. Should you have any questions regarding this matter, please feel free to contact
- 7. We appreciate your concern for the safety of personnel who must walk through this area. Thank you for taking the time and effort to ensure corrective actions are being taken to protect our workforce.

(6) (6), (6) (7)(C)

Safety Branch Head

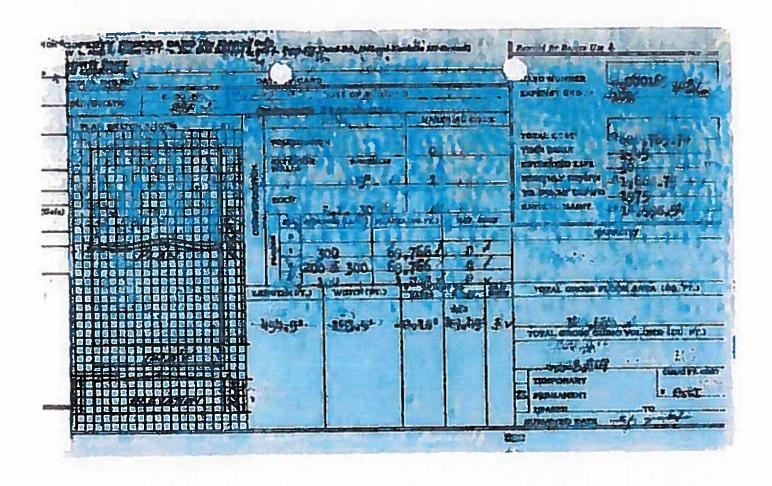
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	o foam, caulk, silicone petch approx 17 holes of roof from interior will be reviewed by NAVFAC. 1
suggested boarding	ng, then sealing. If told it's feasible, fill resubmit routine work order.
	PHNS Facilities Trouble Desk 4710333, Production Facility & Equip Mgt Div, Code 983.1, Pearl Harl
Naval Shipyard &	IMF, IP 6700 Fax 4712249

Please redirect following trouble calls as indicated. Contract EMAIL unless indicated to call: Custodial Code 910: (B) (B), (B) (7)(C) @navy.mil, @navy.ml (b) (a), (b) (7)(C) Elevator--DD only Call Code 982 **Grounds Maintenance** (b) (6), (b) (7)(C) Code 910: (b) (6) (b) (7)(C) Phavy.mil, @nevy.ml trees, bushes, grass/weeds (b) (6), (b) (7)(C) Lightbulbs (Bldg Interior Code 983,1: (MICE) (MICE) (PROVENS) 2 to 8'L fluorescent tubes, Specify type, quantity, poc name & phone no. Allow 7 high or low bay/high pressure sodium. days to complete, longer If Jig required. Advise it's urgent ballasts, incandescent) If it cannot wait 7 days. Lightbulbs in bidgs & portable structures Call Facilities Trouble Desk 4710333. Allow 7 days to not covered by contract & all other complete. 30 days if jig required. bldg lights (emergency, exterior, security, exit, light fixture cover, electrical issue) (b) (6), (b) (7)(C) Trash bin (brown only; pickup dates on bin) Call Computers, printers, fix, phones & NMCI 99-1-865-843-6624 or Code 109 x9155 associated parts

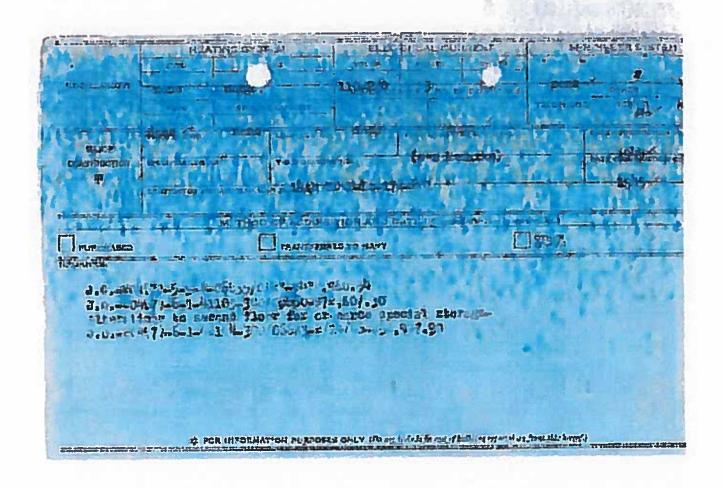
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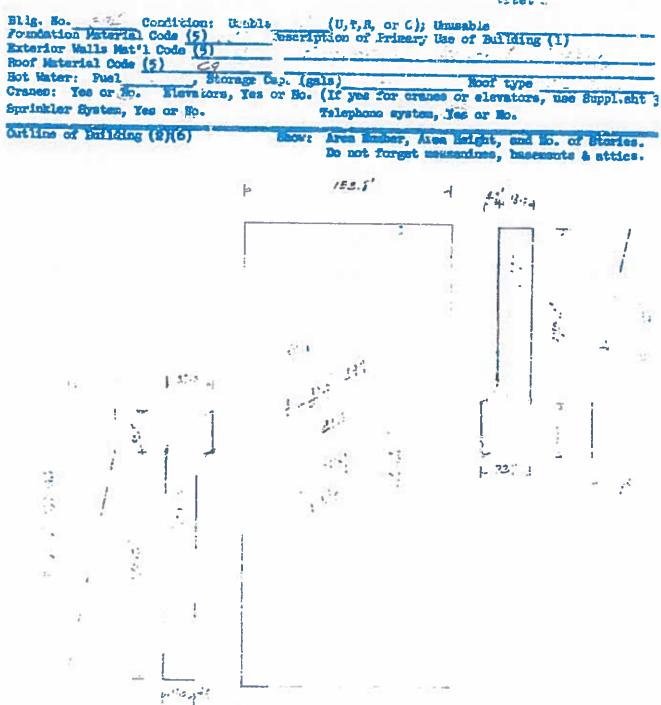
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MAYCOMPT FORM 277 (4-64)



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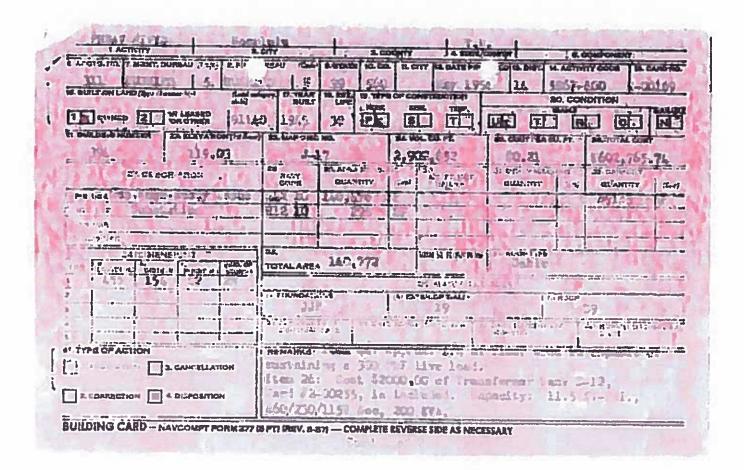
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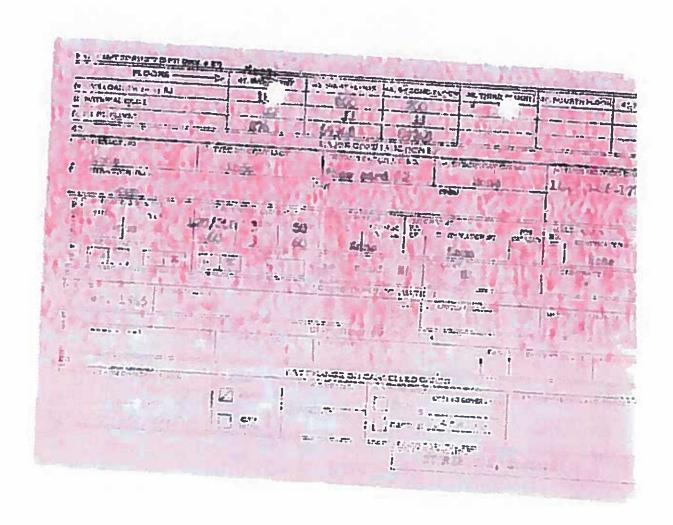
- 1. In your own words, state the primary use of the building.
- 2. Outside dimensions are to be measured to the measure foot. All dimensions shall be outside dimensions. Do not show building line offsets (and thus additional areas) under the following conditions:
 - a. When the offset is less than 6 inches
 - b. When the offest is greater than 6 inches but does not provide any floor opens (columns, etc.)
- 3. Use of esterick. Additional floor plan will have to be used under the following conditions:
 - a floor who dimensions of any partial floor. Ret is, a floor which does not cover the entire area of the rectangle.
 - b. When any floor are any than one use. The soft those plan will show the areas of different and
 - c. When any Alter has to exes but in use. The abbitional filter plan will show the areas not in use
 - then any floor of a fortion of a floor is used as a storage facility. The additional floor plan will show usable storage floor space.
- Remarks Add such exercits as when theiding is built to being theil for another purpose. Example, Cofeteria being used for storage.)
- Show code for prelominate building mater/al. For other building entertals show type and location in results.
- 5. List monitors, westilitors, elevator tachinery ucuses, pits, and similar items (refer to page 8) of Green book) which till affect the volume of the building. If it is an abest 1 in the following memor:

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5100.901 Ser 106.12ET/M253 15 June 2017

MEMORANDUM

From: Code 106.12 To: Code 950

Subj: OCCUPATIONAL SAFETY AND HEALTH (OSH) WORKPLACE INSPECTION REPORT; BUILDING 394, BATTERY SHOP

Ref: (a) OPNAVINST 5100.23 Series

(b) NAVSHIPYD&IMFPEARLINST 5100.1A

(c) CSP 03-01-003 (OSHA)

1. In accordance with references (a) through (c), an OSH workplace inspection of Building 394 Battery Shop was conducted on 14 June 2017. At this time, the workplace areas are being maintained in a safe and healthy work condition.

2. If you have any questions concerning this workplace inspection, please contact and/or via FAX at 474-0231.

Copy to: (b) (0) (7)(C) Shop 51

5100.901 Ser 106.12ET/M253 15 June 2017

MEMORANDUM

From: Code 106.12 To: Code 950

Subj: OCCUPATIONAL SAFETY AND HEALTH (OSH) WORKPLACE INSPECTION REPORT; BUILDING 394, BATTERY SHOP

Ref: (a) OPNAVINST 5100.23 Series

(b) NAVSHIPYD&IMFPEARLINST 5100.1A

(c) CSP 03-01-003 (OSHA)

1. In accordance with references (a) through (c), an OSH workplace inspection of Building 394 Battery Shop was conducted on 14 June 2017. At this time, the workplace areas are being maintained in a safe and healthy work condition.

and/or via FAX at 474-0231.
SOH Specialist

Copy to: Shop 51

5100.901 Ser 106.12ET/M254 15 June 2017

MEMORANDUM

From: Code 106.12 To: Code 950

Subj: OCCUPATIONAL SAFETY AND HEALTH (OSH) WORKPLACE INSPECTION REPORT; BUILDING 394, SURFACE COMBAT SYSTEM REPAIR SHOP

Ref: (a) OPNAVINST 5100.23 Series

(b) NAVSHIPYD&IMFPEARLINST 5100.1A

(c) CSP 03-01-003 (OSHA)

1. In accordance with references (a) through (c), an OSH workplace inspection of Building 394, Surface Combat System Repair Shop was conducted on 14 June 2017. At this time, the workplace areas are being maintained in a safe and healthy work condition.

2. If you have any questions concerning this workplace inspection, please contact and/or via FAX at 474-0231.

SOH Specialist

Copy to:

5100,901 Ser 106,12NN/M191 JUN 08 2.

MEMORANDUM

From: Code 106.12

To: Code 400

Subj: OCCUPATIONAL SAFETY AND HEALTH (OSH) WORKPLACE INSPECTION REPORT; BUILDING 394. 2nd FLOOR (BAE, HI, CONTRACTOR STORAGE SPACE)

Ref: (a) OPNAVINST 5100.23 Series

(b) COMUSELTFORCOMINST 4790.3, VOL VII, CHAPTER 10, PARA10.3.4. b.

(c) CSP 03-01-003 (OSHA)

- 1. In accordance with references (a) to (c), an OSH workplace inspection of Building 394, 2nd Floor, BAE, HI, contractor storage area was conducted on 26 May 2015. No new deficiencies were noted.
- 2. BAE, HI maintains the storage space in a safe and healthy work environment. However, leakage from the roof structure was identified in March 2015. The following documents have been generated: Unsafe University Working Condition Report (W-15-05), Set 106.12KK, memo 088, TF-1 Form, Work Order C8BDBR and an OSH Hazard Deficiency Notice ODR-15-0142 has been submitted for action to NAVFAC, HI via PHNSY & IMF Code 980 Facilities and Equipment Maintenance Department. At this time, interim actions are in place until repairs can be resolved.

5, if you have any questions concerning this workplace inspection or the Hazard Deficiency Notice(s), please contact and/or via FAX at 474-0231.

Safety Branch Head

Copy to: Code 980

BAE, HI,

(b) (6), (b) (7)(C)

מתני קחותר

DEPARTMENT OF THE NAVY PEARL HARBOR NAVAL SHIPYARD & INTERMEDIATE MAINTENANCE FACILITY 667 SAFEGUARD STREET, SUITE 100 JBPHH, HAWAII 98860-5033

5100.901 Ser 106.12NN/M190 JUN 0 8 2015

MEMORANDUM

From: Code 106.12 To: Code 950

Subj: OCCUPATIONAL SAFETY AND HEALTH (OSH) WORKPLACE INSPECTION REPORT; BUILDING 394, 14 FLOOR (SHOP 51, BATTERY SHOP)

Ref: (a) OPNAVINST 5100.23 Series

(b) NAVSHIPYD&IMFPEARLINST 5100.1A

(c) CSP 03-01-003 (OSHA)

End: (1) Hazard Daliciancy Notice: ODR-15-0142

- In accordance with references (a) to (c), an OSH workplace inspection of Building 394, 1st Floor, Shop 51, Battary Shop was conducted on 26 May 2015. Enclosure (1) cites the deliciency related to the building structure.
- 2. As required by reference (b), the supervisor or official in charge must take prompt action to correct the deficiency within 30 days of the date of the notice. When the deficiency is corrected, complete Section B of enclosure (1) and return it to Code 106.12. Your response in Section B must include a statement as to the specific corrective action taken and date of correction. An estimated completion date must be provided when requesting approval for an extension.
- 3. If needed, call the Code 980 Trouble Desk (471-0333) for assistance, or to submit a work request or WESR with a copy of the deficiency notice. If a work request or WESR has been submitted, Code 980 will assign a Facility Equipment Maintenance (FEM) or Work Order number to the request. Enter Code 980's FEM or Work Order number in Section B and forward a copy to Code 106.12.
- 4. If the Hazard Deficiency Notice has a risk assessment code (RAC) of 1, 2, or 3, the notice must be posted in the immediate vicinity of the hazard to ensure employees are aware of the hazard and must remain posted until the hazard has been abated, as required by reference (a).

Safety Granch Head

Copy to: Code 950;

(6) (6), (6) (7)(C)

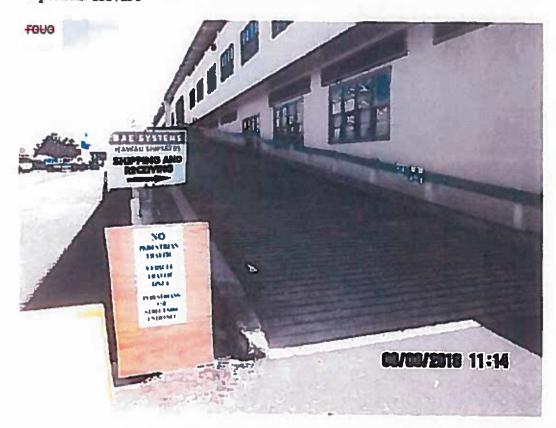
Code 980: (b) (6), (b) (7)(C)

Inspection: 1337190

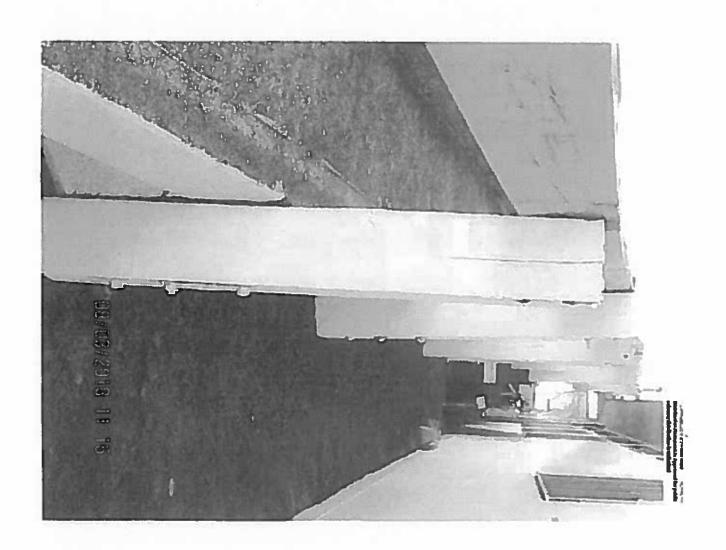


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Under the release authority of OSHA.

Inspection: 1337190

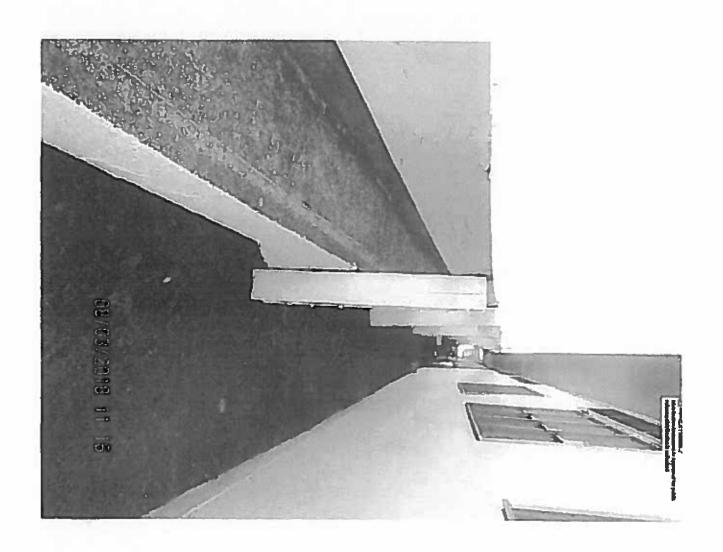


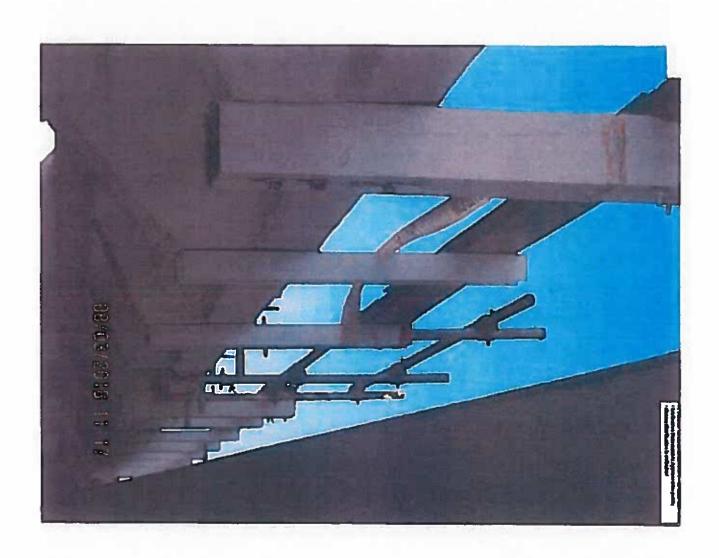
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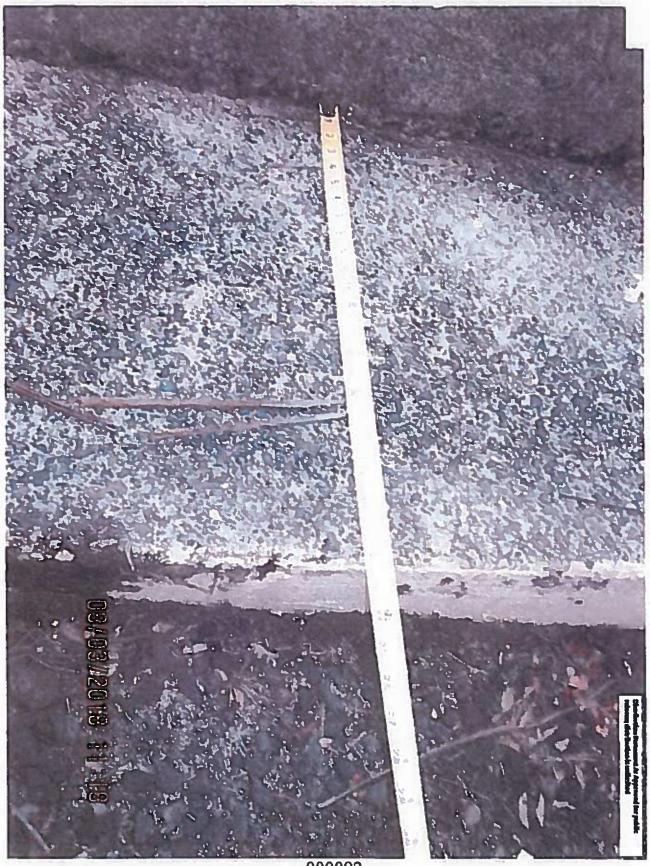


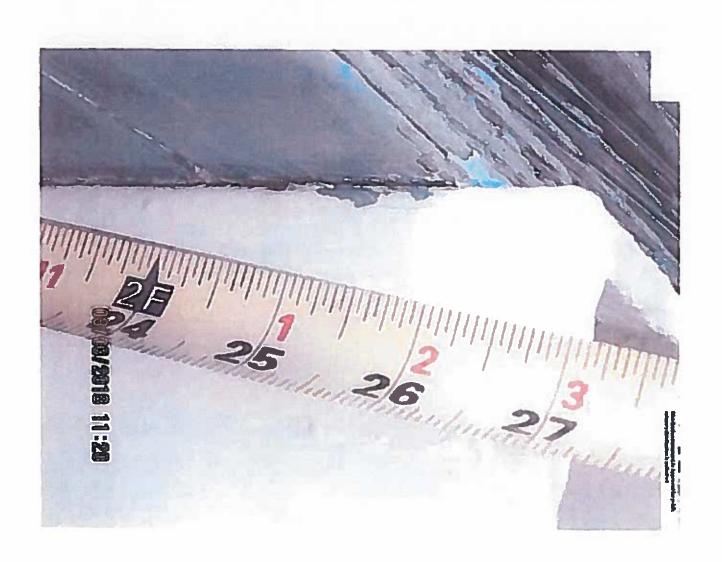




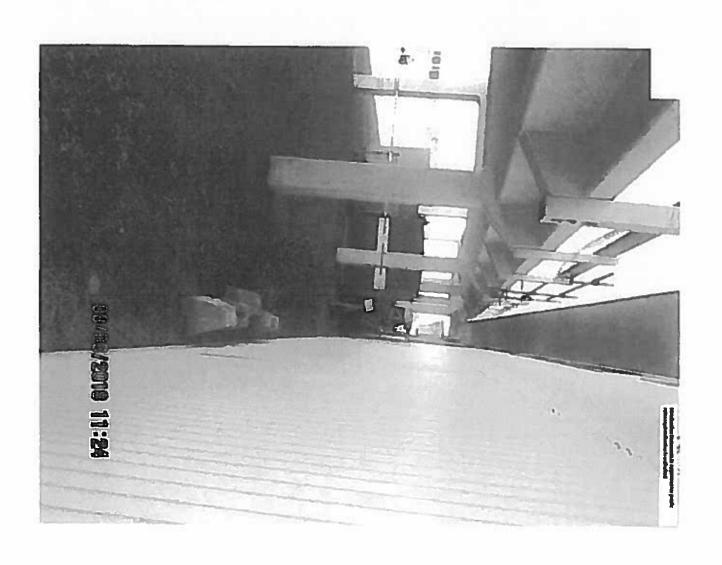


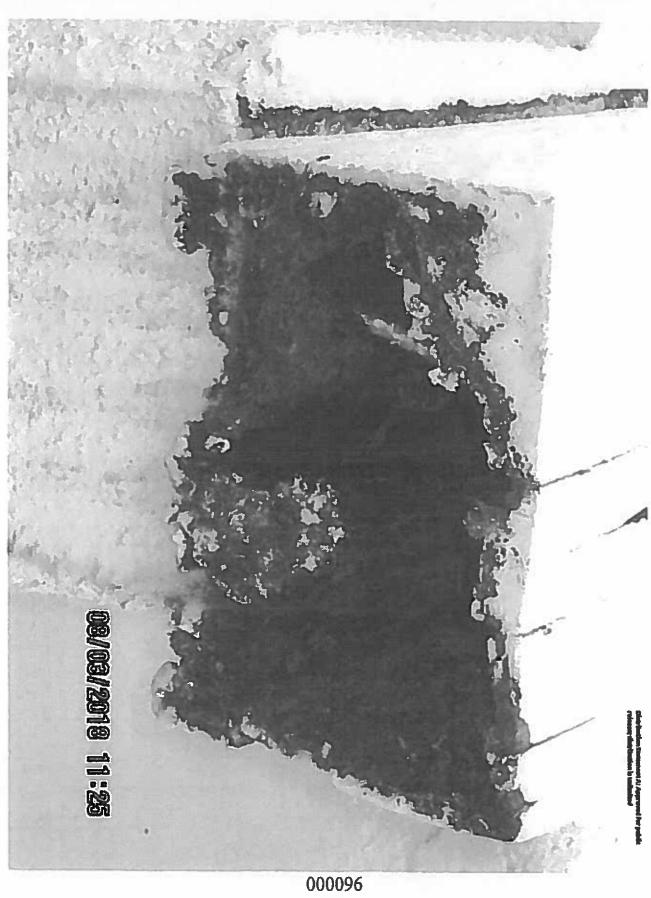


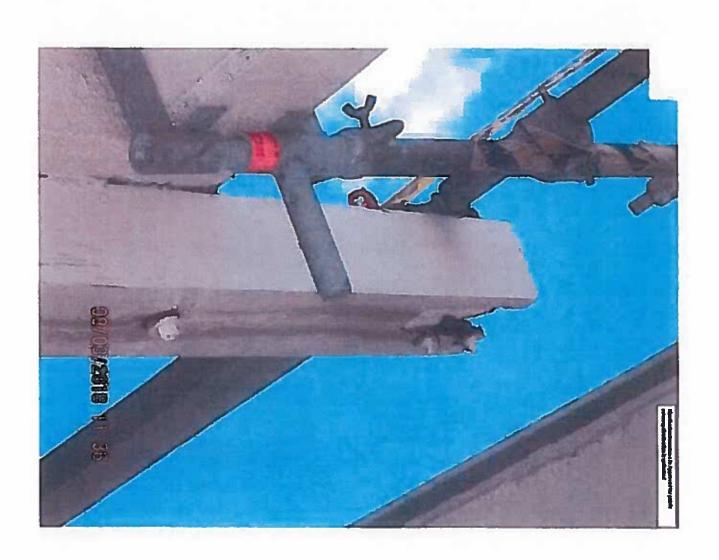


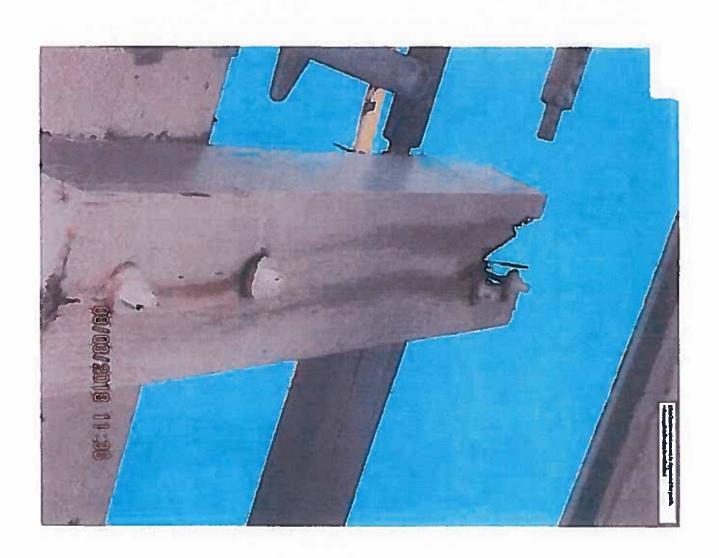


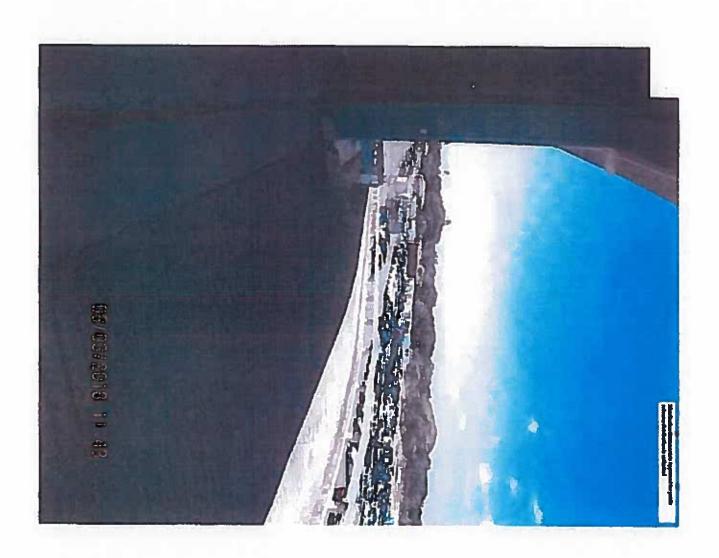


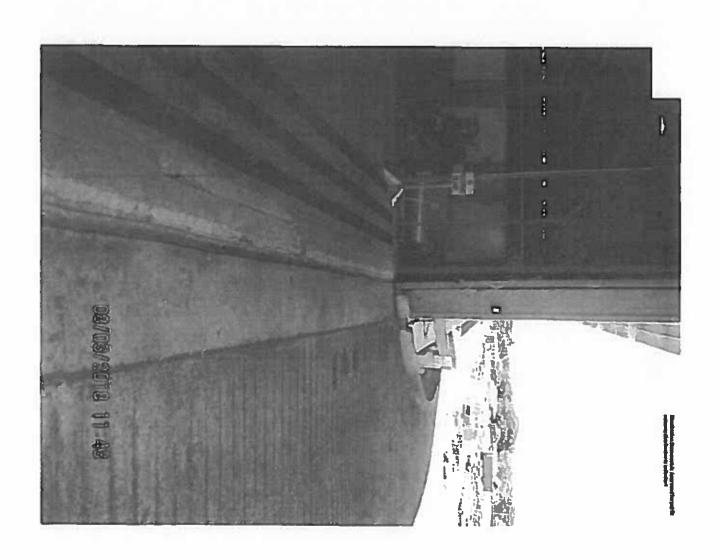




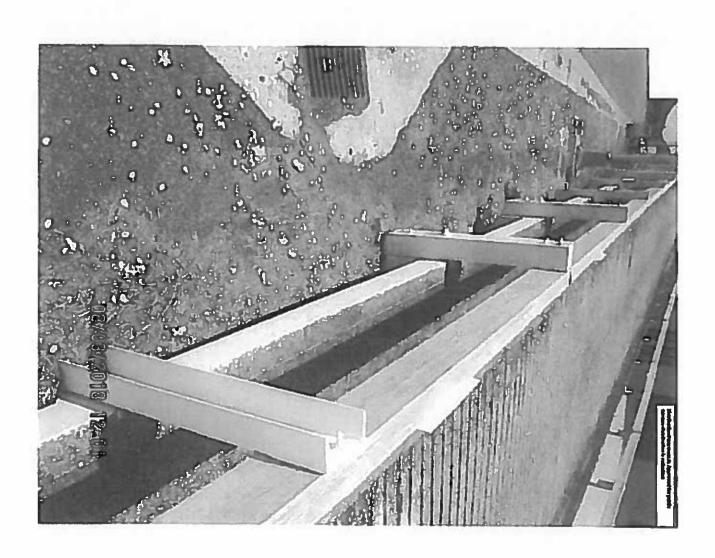


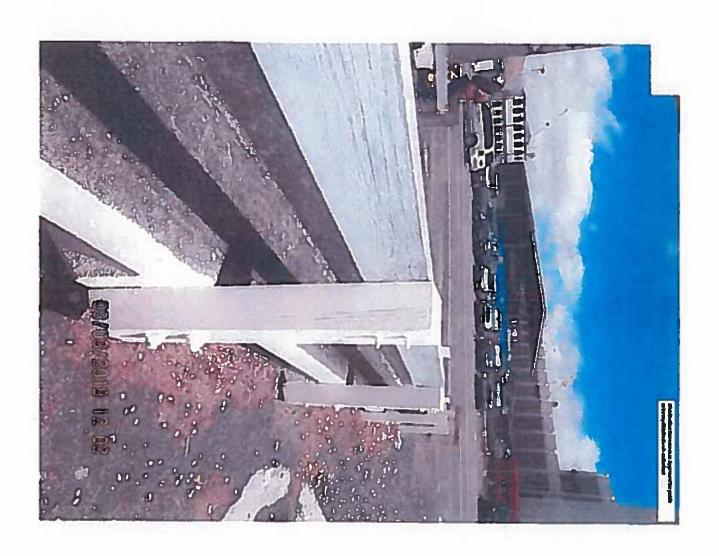


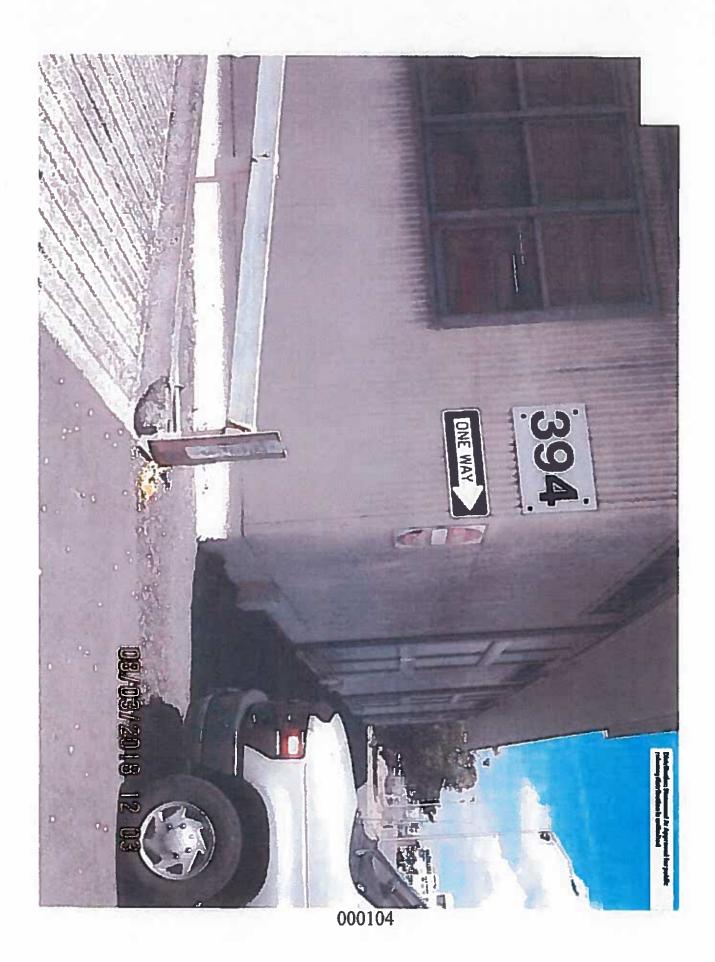


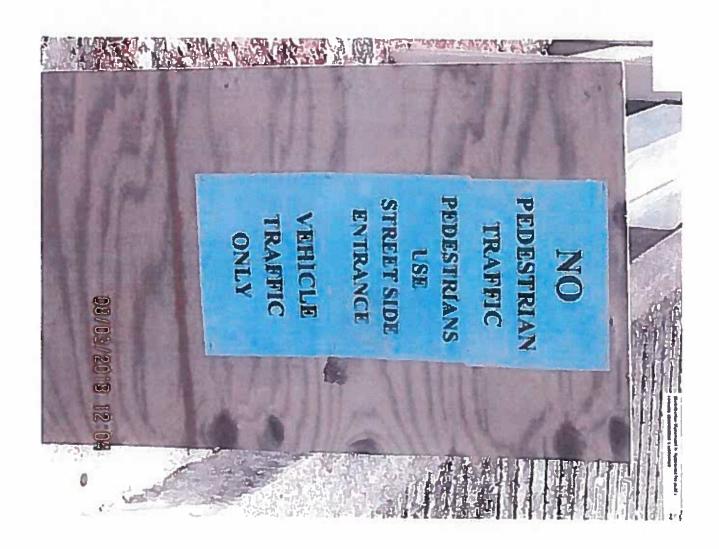


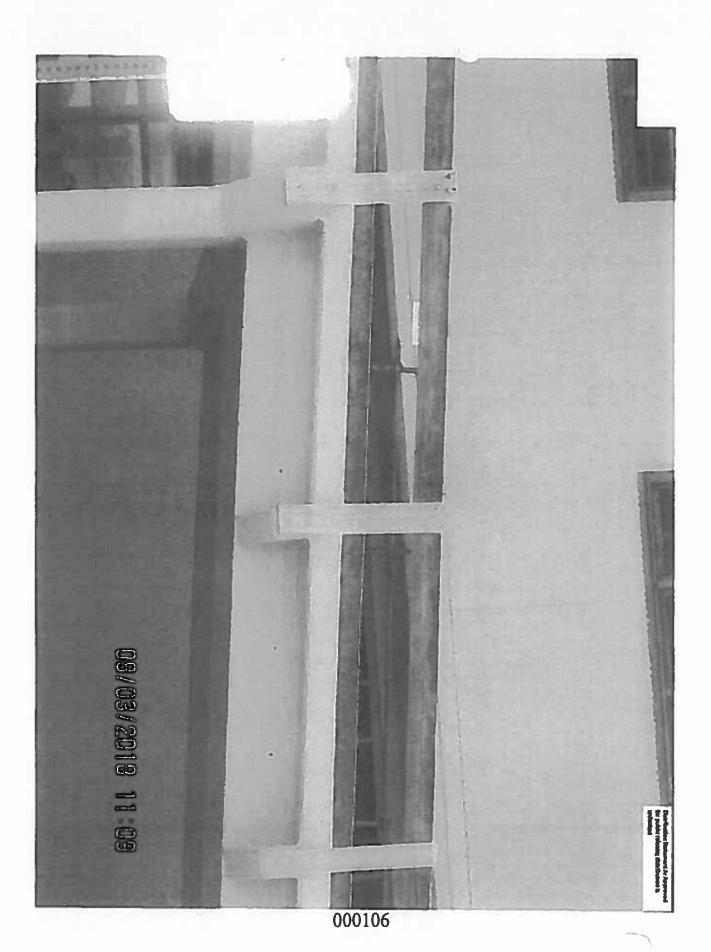


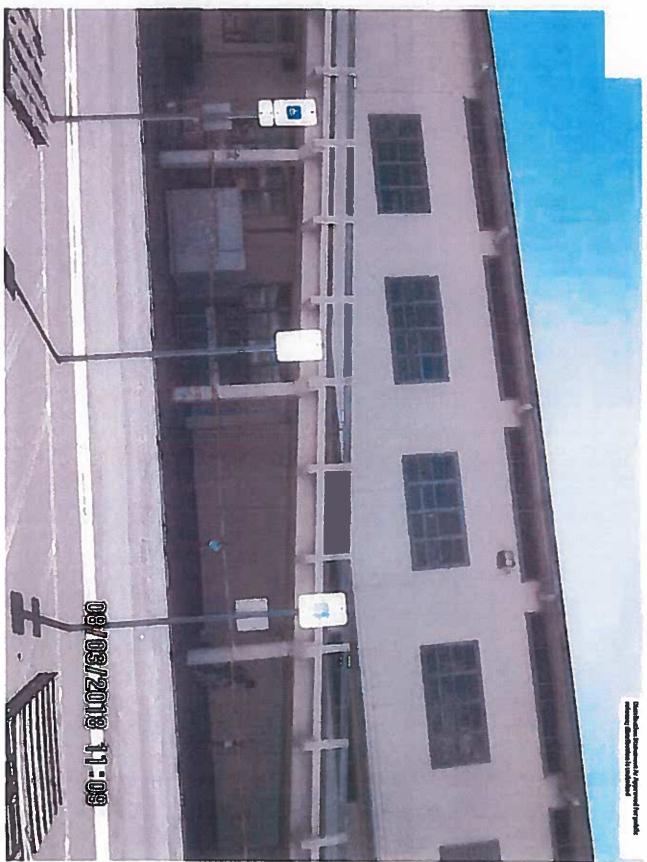


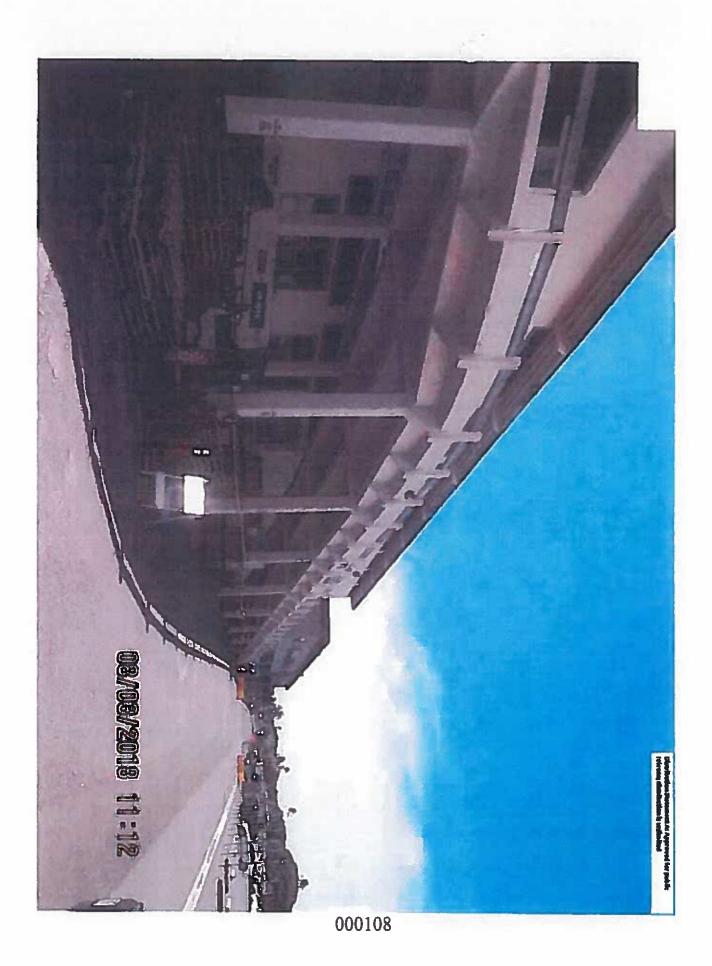


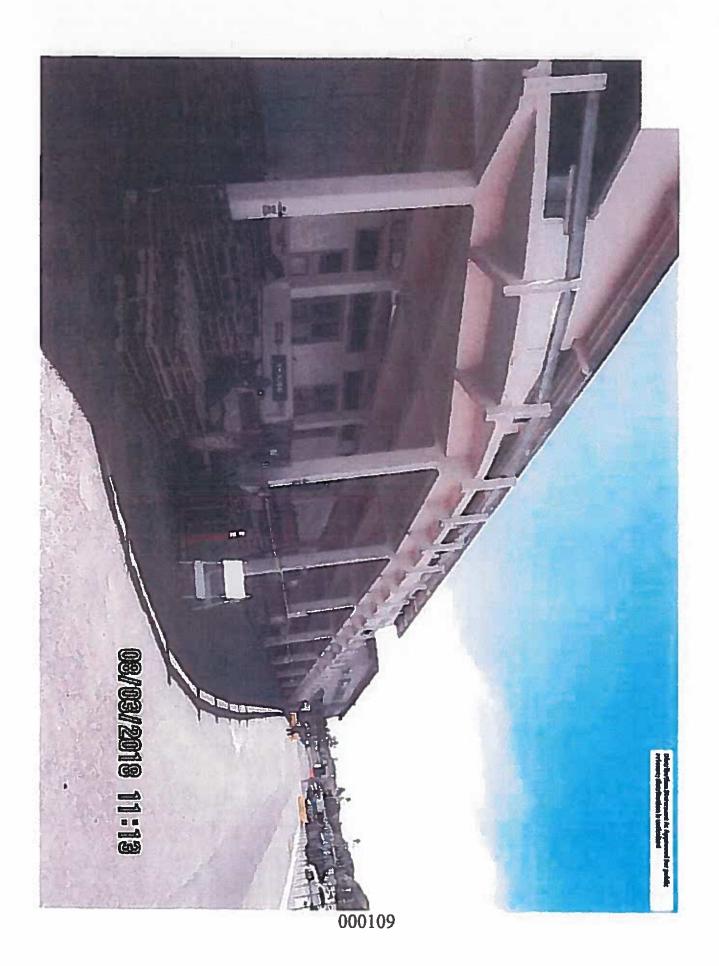


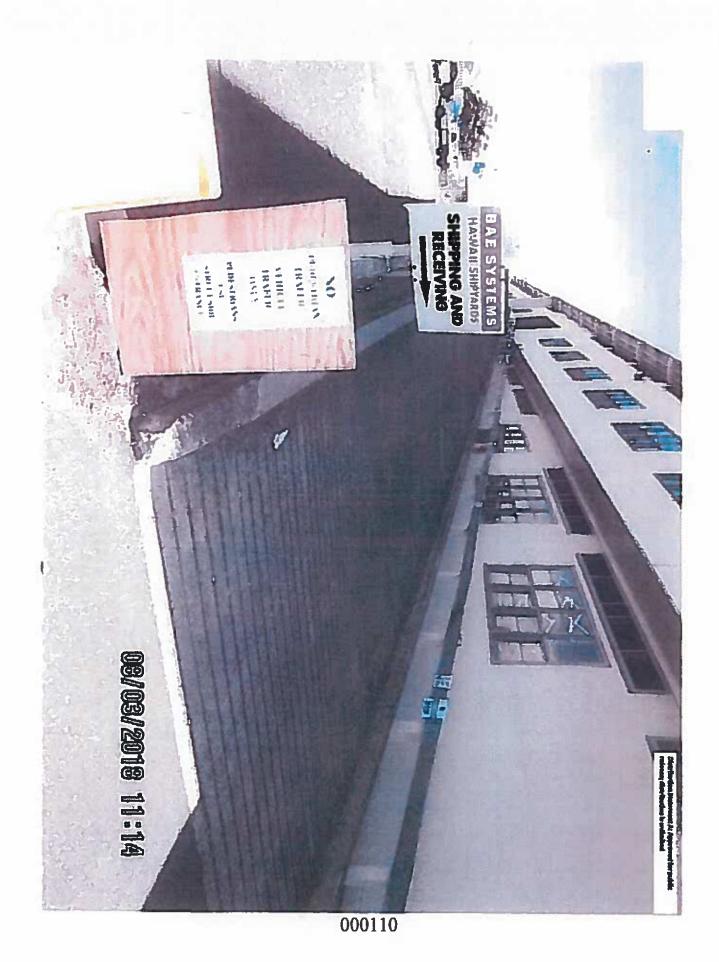




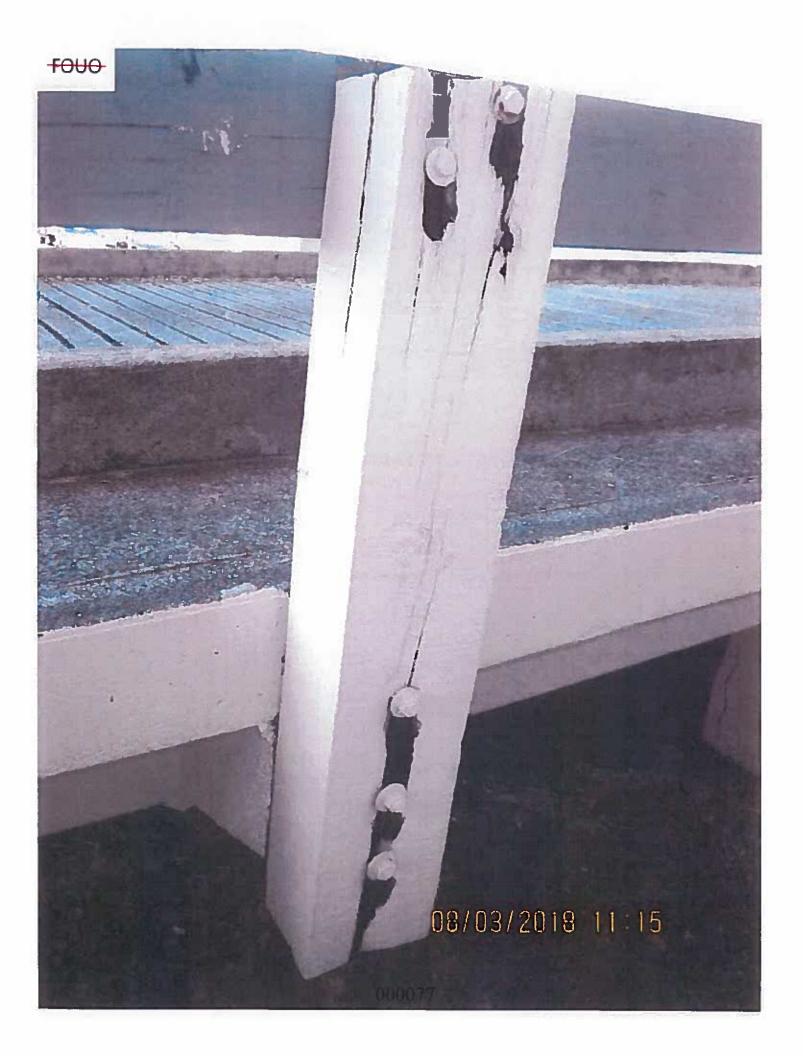


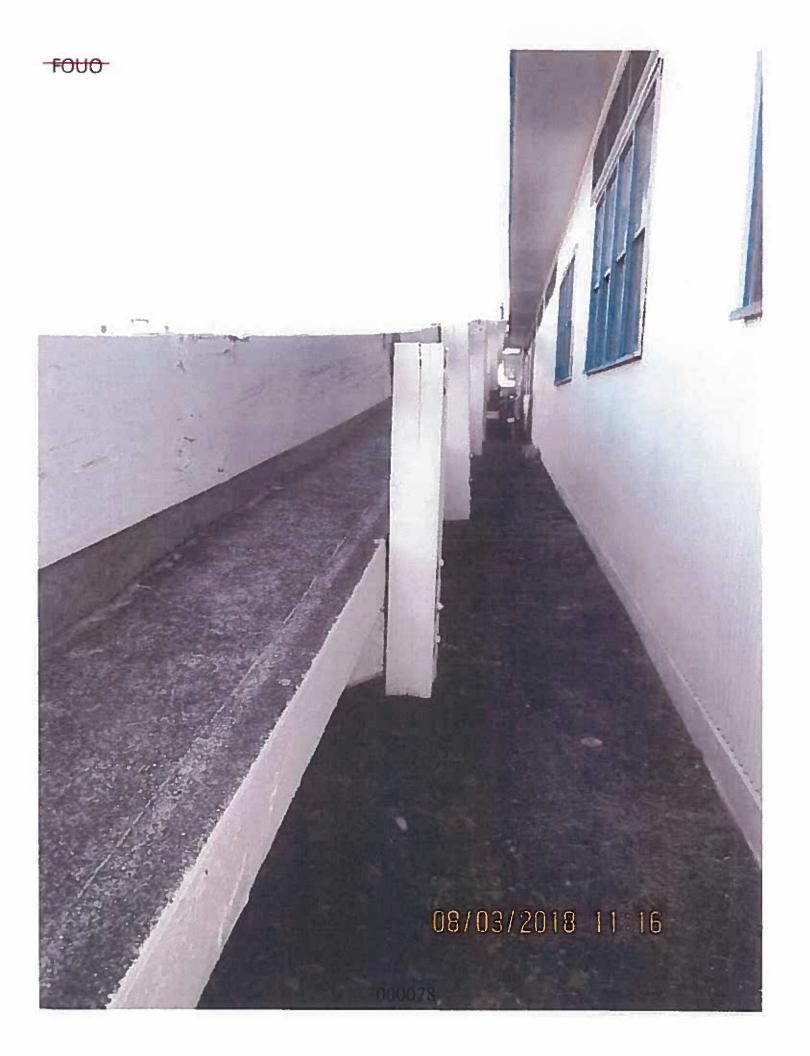


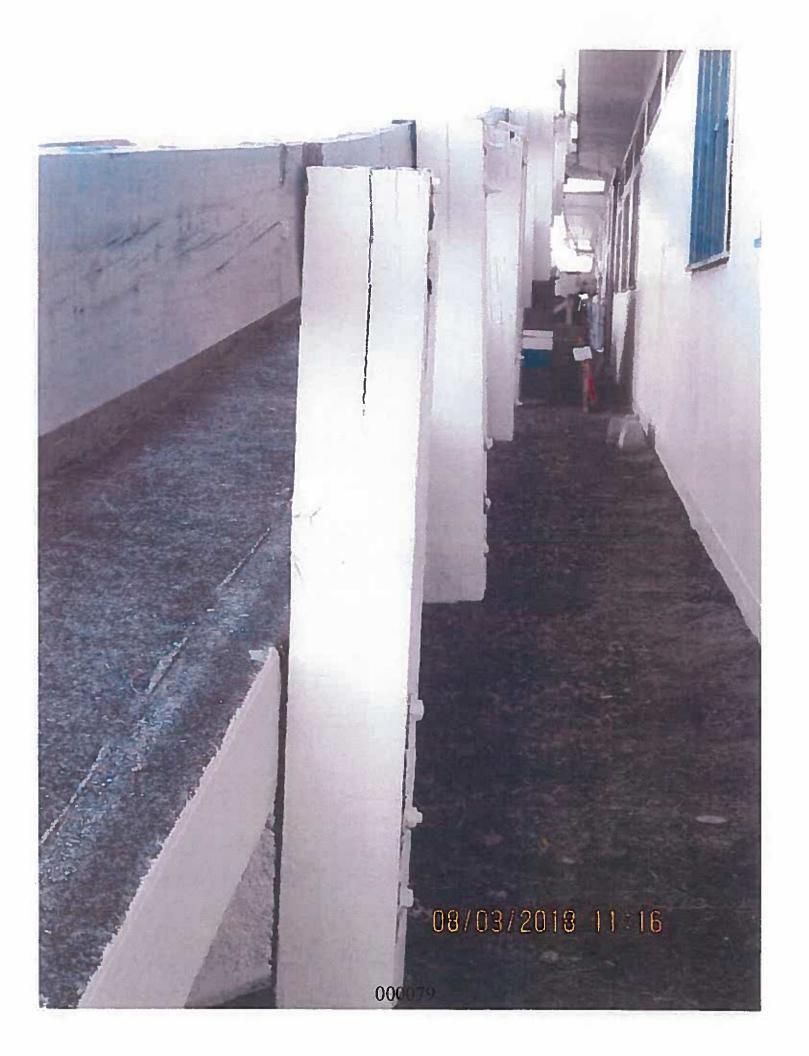






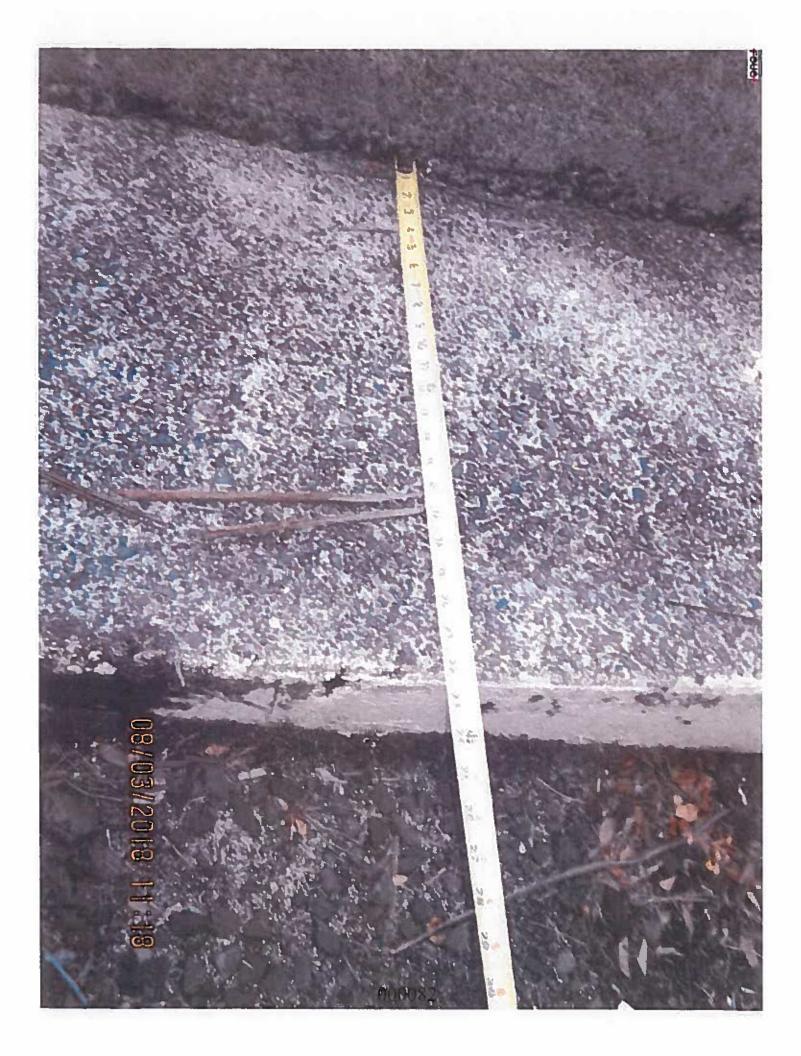






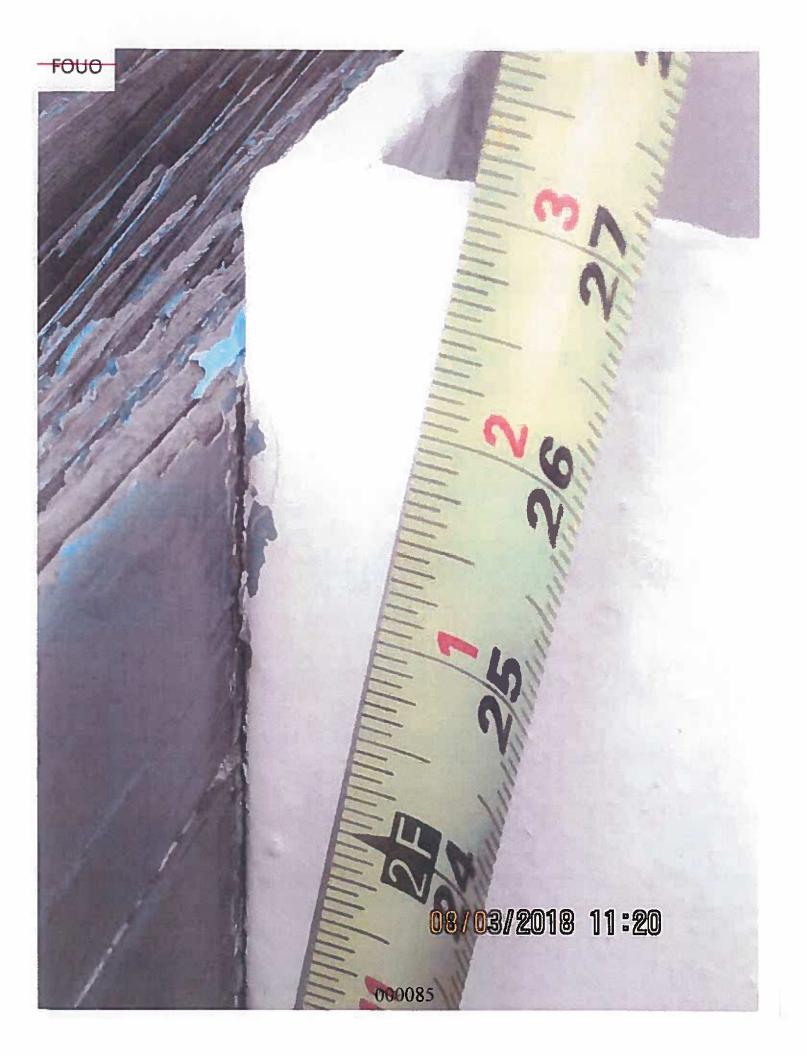


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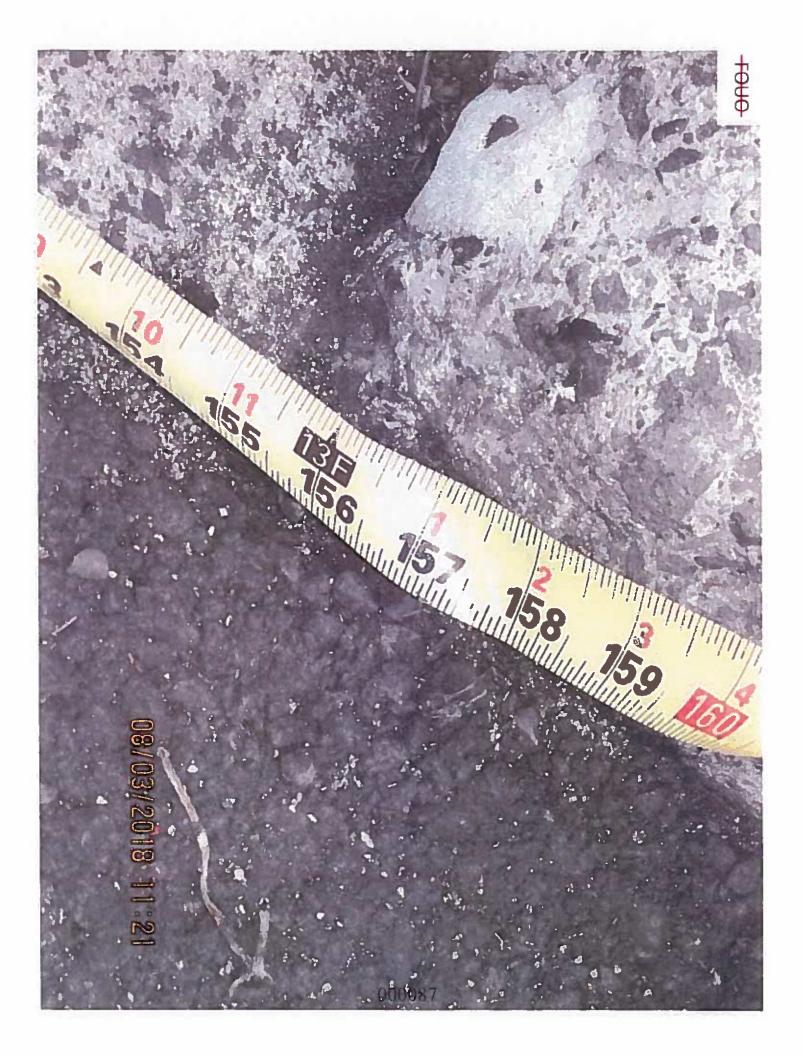


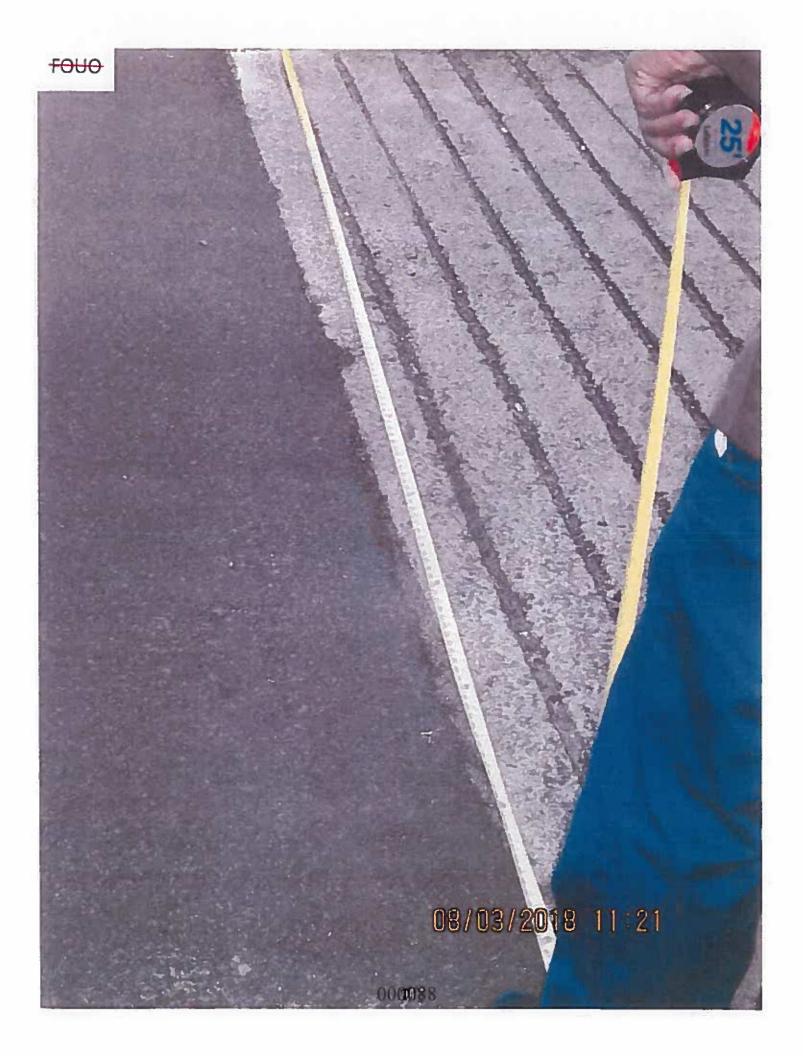
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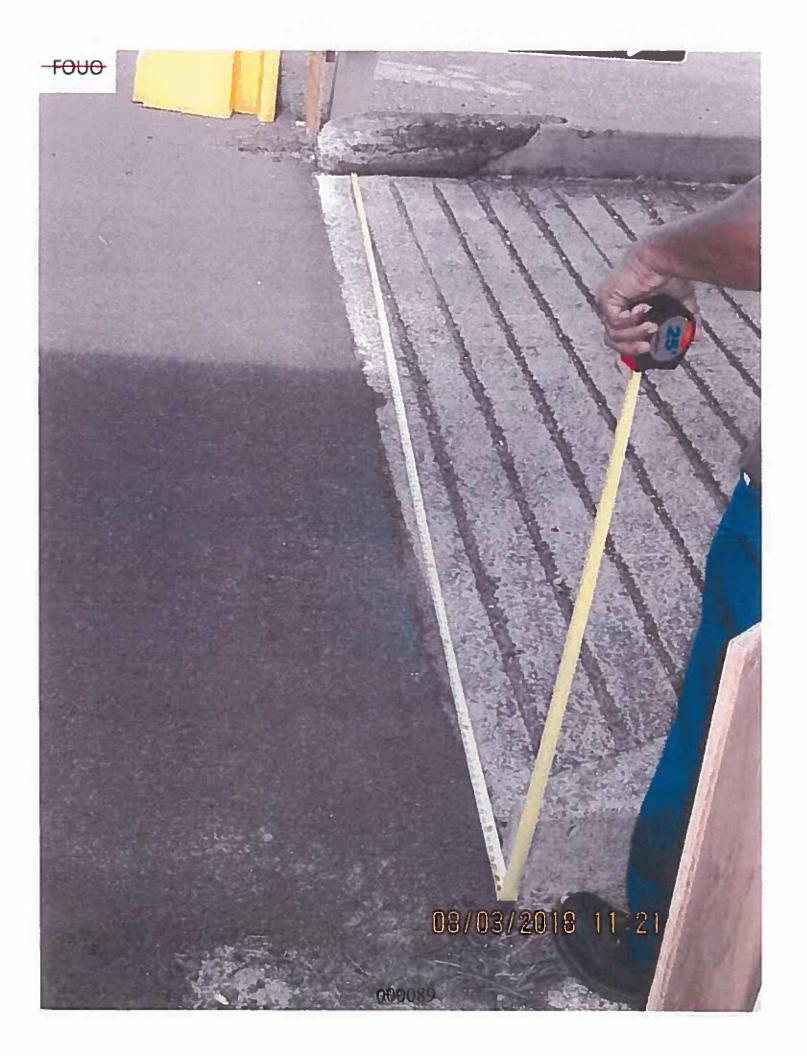
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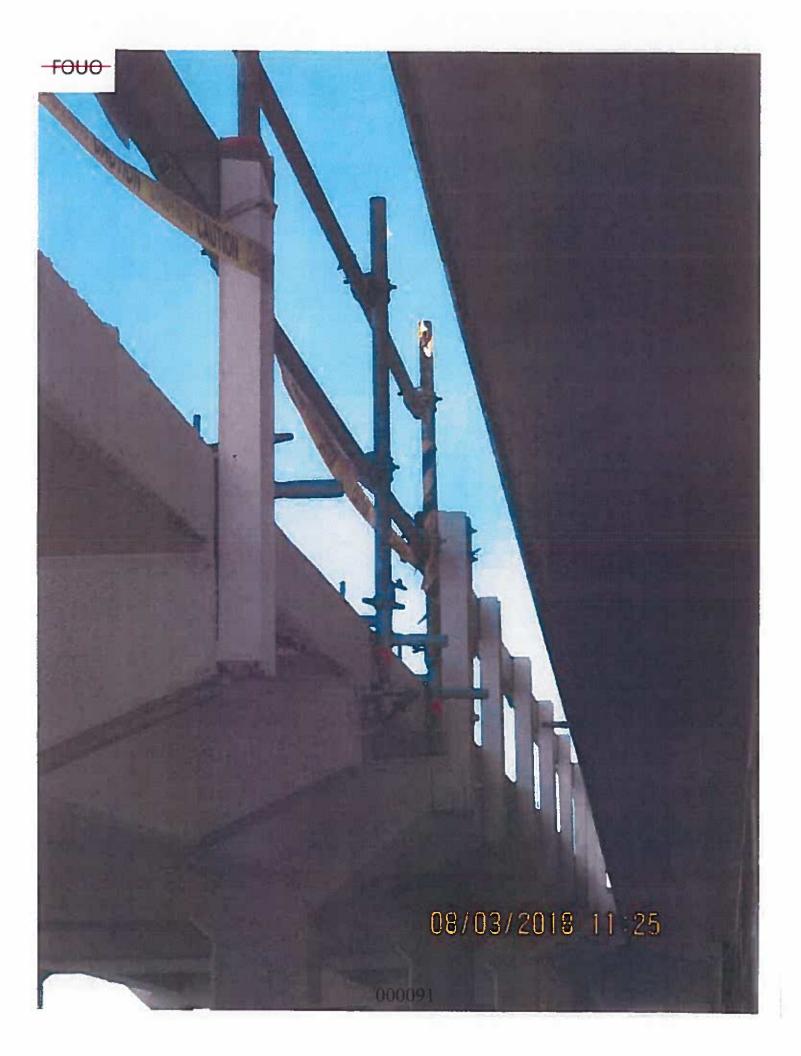
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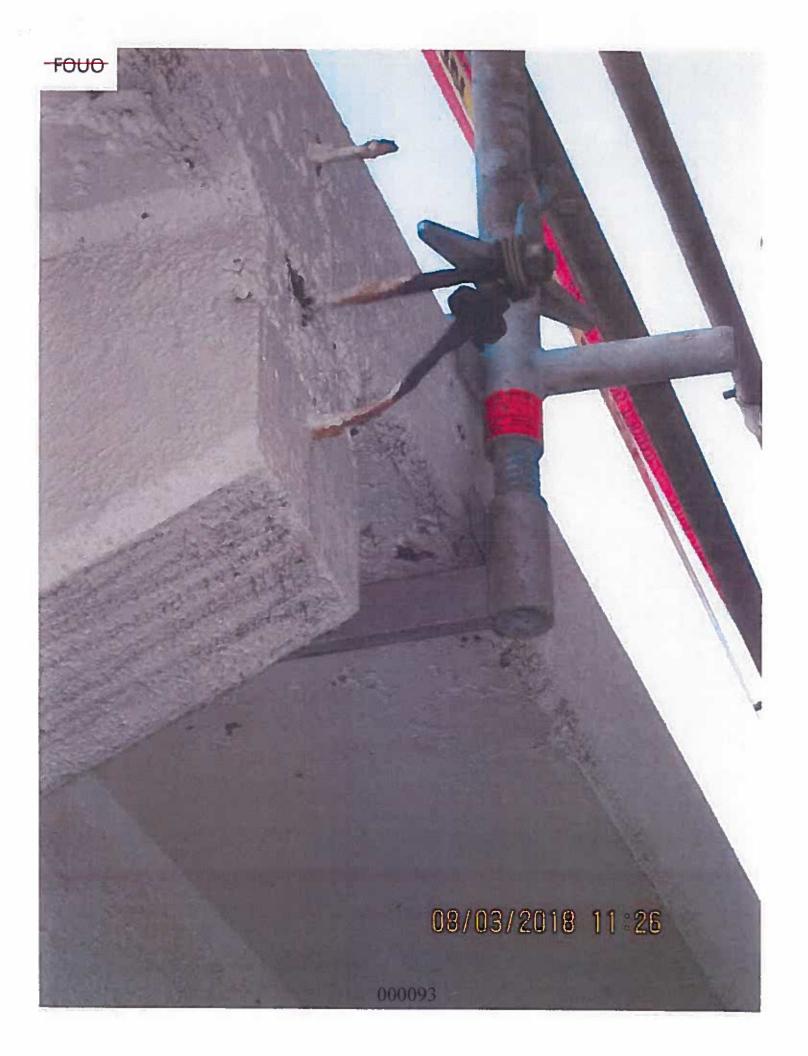


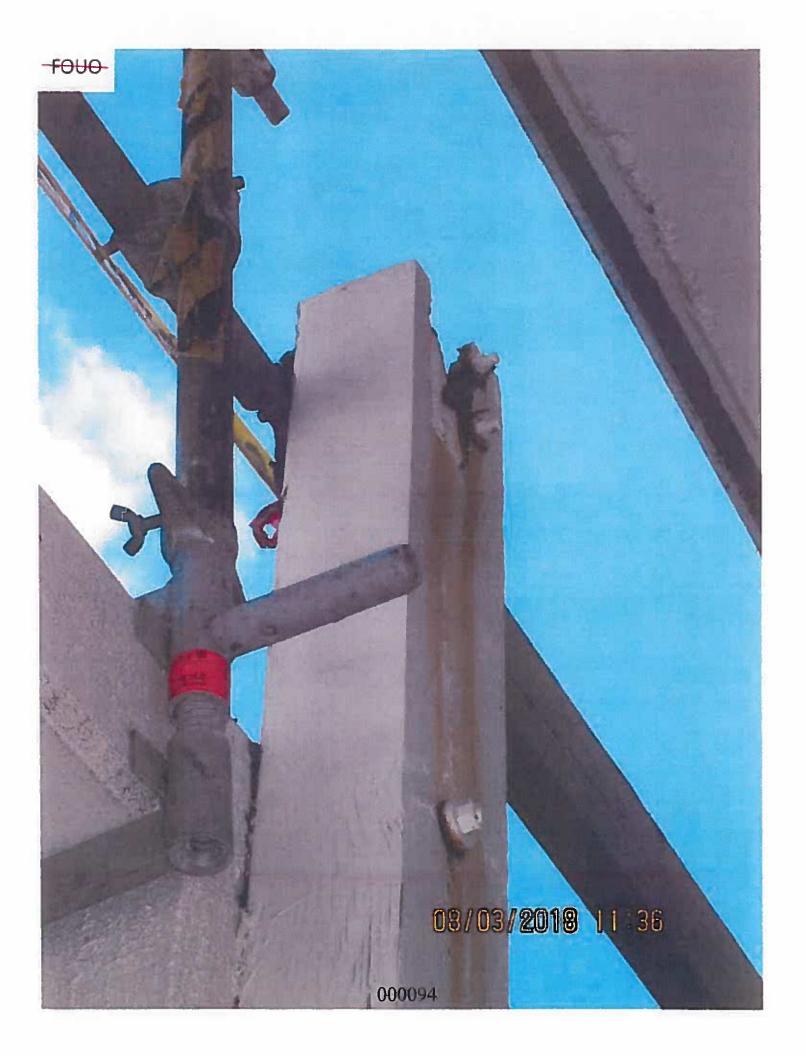




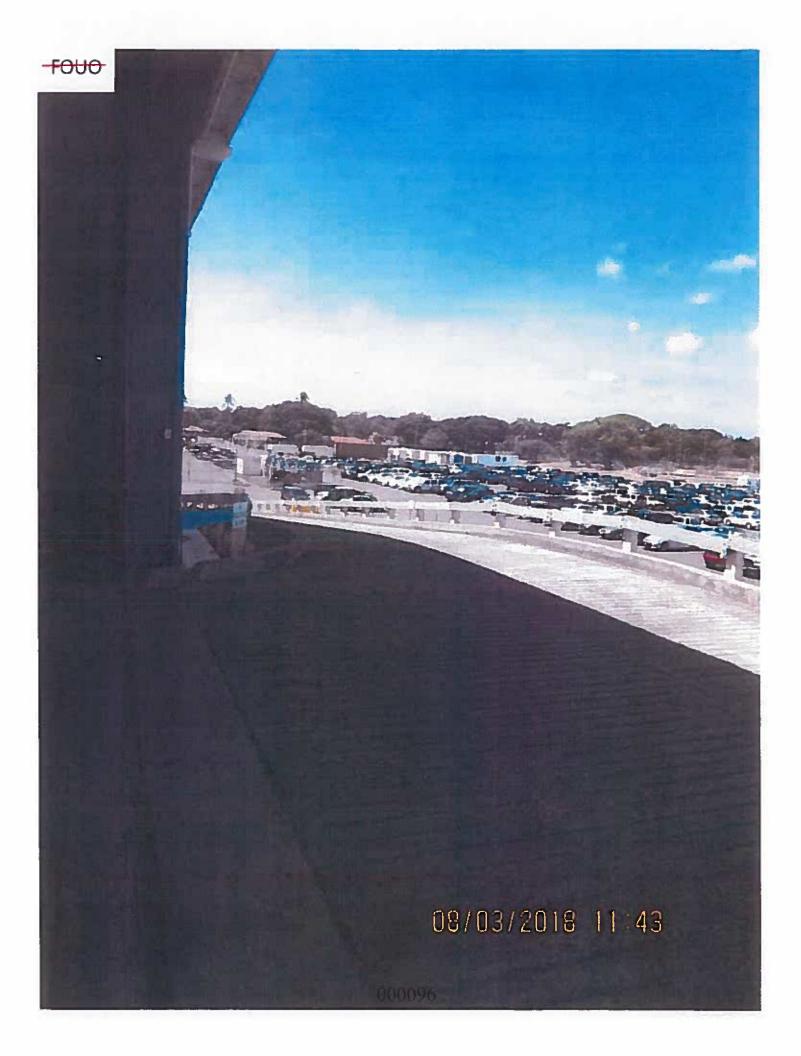


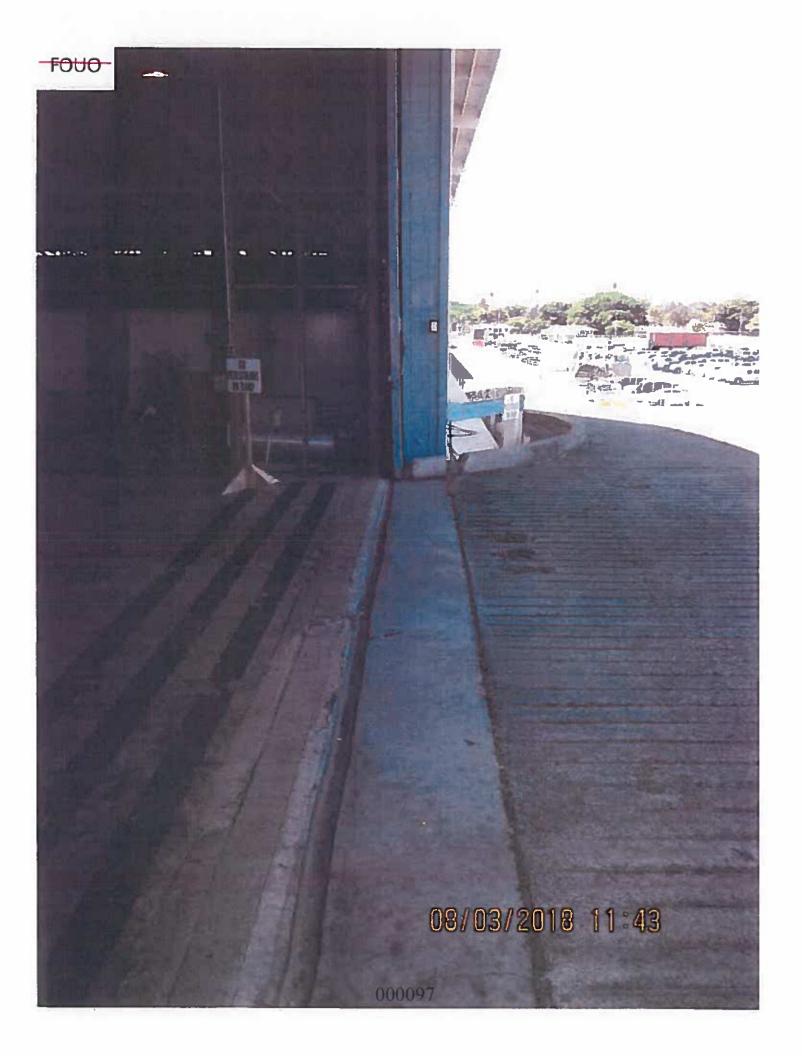






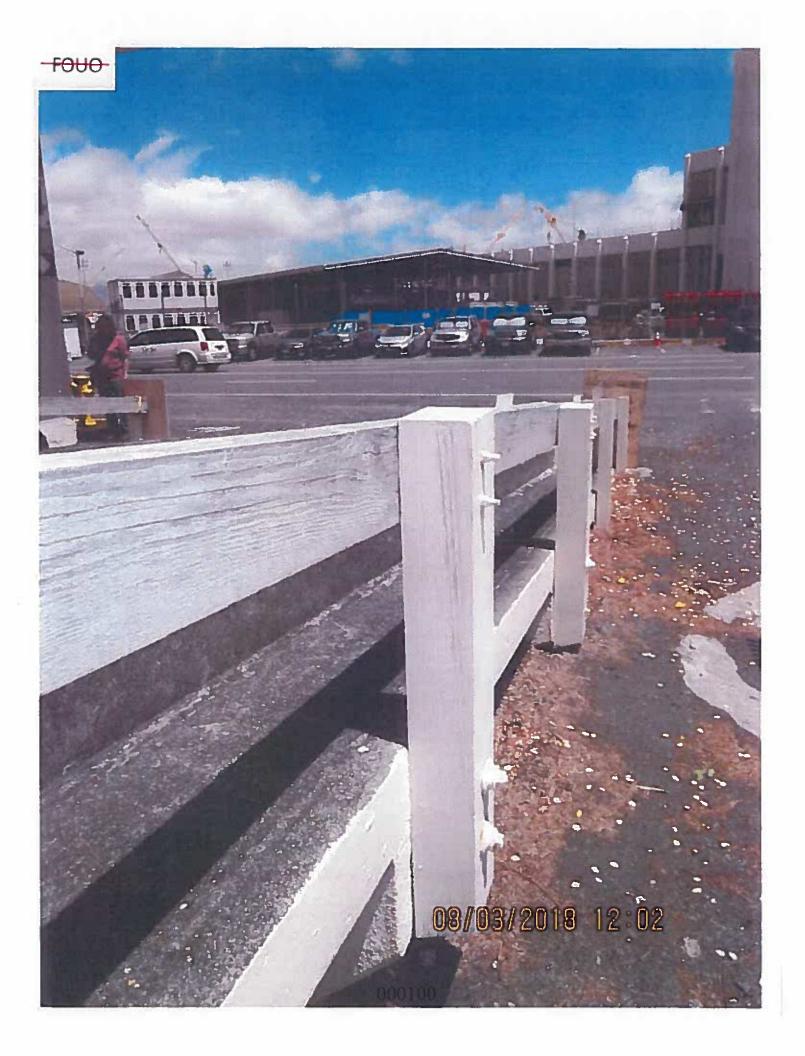


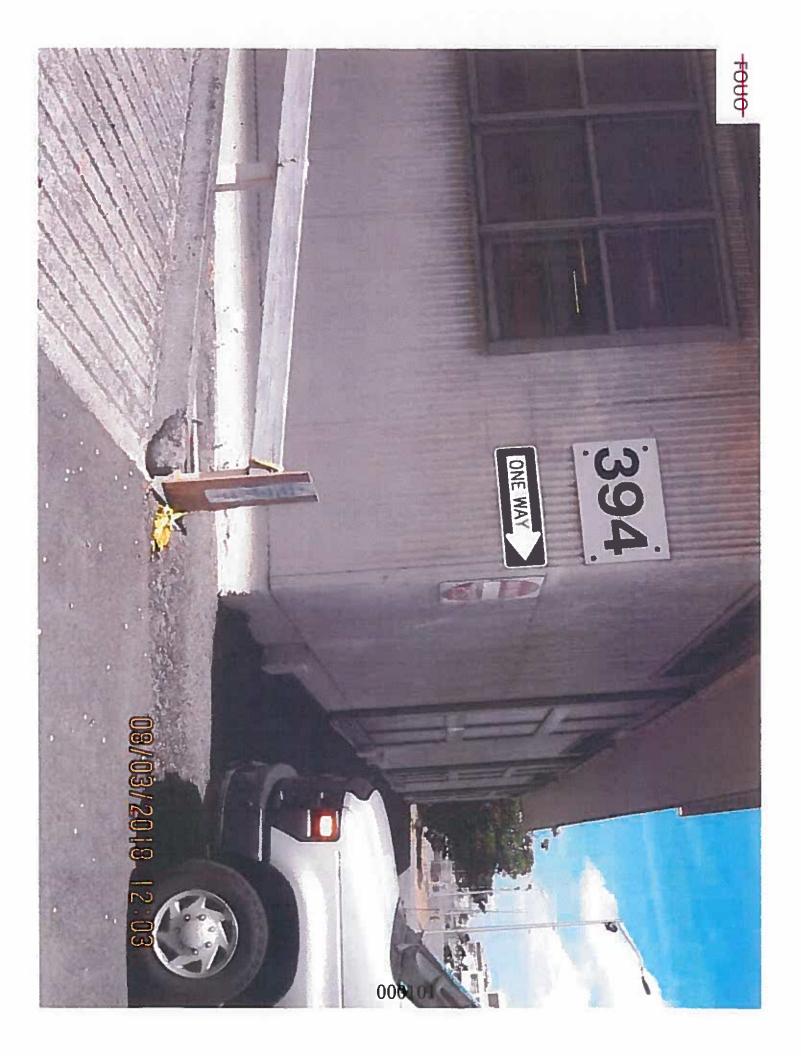












NO PEDESTRIAN TRAFFIC

PEDESTRIANS
USE
STREET SIDE
ENTRANCE

VEHICLE TRAFFIC ONLY

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